# In the High Court of Judicature for Rajasthan
# Jaipur Bench

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Cr. Msc. Petition No.2132/2007
Ramesh & (2) Ors. ***Versus***
State & Bhur Singh

**Date of Order ::: 0512/07**

***Hon'ble Mr. Justice Ajay Rastogi***

Mr. Hari K.Sharma, for petitioners (accused)
Mr. Arun Sharma, Public Prosecutor

Instant petition U/s 482, CrPC has been filed by accused against taking of cognizance of offences U/Ss 420, IPC vide order dt.16/07/07 in Cr. Complaint No.74/06 against which revision petition is maintainable.

A co-ordinate Bench of this Court in **Tajji Vs. State (2006(4) RLW 3432**) after taking note of decisions of Apex Court and so also of this Court has observed that order of process issued is not interlocutory and revision is maintainable against it :-

> "**8.** In the instant case, if the contention of the present petitioner in respect of the order issuing process is upheld, the proceedings in the said case would come to an end. Hence, in the light of the above decision, the order issuing process cannot be said to be an interlocutory order even though it may have been passed at an interlocutory stage. A three judges bench of the Apex Court in the case of **Madhu Limaye (1977 (4) SCC 551)** has re-affirmed the decision in the case of **Amarnath (1977**

**(4) SCC 137)** the point that the impugned order of Magistrate taking cognizance and issuing process is not an interlocutory order."

In view of what has been observed in judgment (supra), this court is not inclined to invoke inherent powers U/s 482, CrPC.

Consequently, misc. petition is dismissed alongwith stay petition. However, petitioner may avail of remedy under law if so advised; and if application U/s 5 of the Limitation Act is filed alongwith revision petition, it is expected of the Court of Revision to consider the the same objectively taking note of pendency of instant petition before this Court.

(**Ajay Rastogi), J.**

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